

# **Plaintiffs' Exhibit 88**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

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UNITED STATES, ) 1:23-cv-00108-LMB-JFA  
et al., )  
)  
Plaintiffs, )  
)  
vs. )  
)  
GOOGLE LLC, )  
)  
Defendant. )

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VIDEOTAPED DEPOSITION OF

COLONEL LENNOX MORRIS

September 1, 2023

9:06 a.m.

Job No. CS6074135

Reported by: Bonnie L. Russo

Veritext Legal Solutions

800-567-8658

973-410-4098

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1 THE WITNESS: The individuals you  
2 listed are a mix of AEMO and DDB personnel.

3 BY MS. GOODMAN:

4 Q. Do you have any understanding of  
5 whether Chris Pultorak, Holly Springer, Maria  
6 Stuckel or Ron Davis work for DDB versus OMD?

7 MR. McBIRNEY: Object to form.

8 THE WITNESS: To my knowledge they  
9 are all employees of DDB.

10 BY MS. GOODMAN:

11 Q. And in June of 2023 did you change  
12 jobs within the army?

13 A. You said June of 2023?

14 Q. Uh-huh.

15 A. That seems correct. In June of  
16 2023.

17 Q. Prior to June of 2023 you were the  
18 paid media branch chief at AEMO; is that  
19 correct?

20 A. Prior to June I was the branch chief  
21 for paid media, yes, ma'am.

22 Q. When I say AEMO, I am referring to

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1 the army enterprise marketing office. That's  
2 your understanding, correct?

3 A. AEMO is the army enterprise  
4 marketing office.

5 Q. And you were the branch chief for  
6 paid media from April 2021 until approximately  
7 June of 2023; is that accurate?

8 A. Those dates seem correct; April '21  
9 to June of '23, that seems about right.

10 Q. And prior to April of 2021 were you  
11 the strategic marketing officer in AEMO?

12 A. Prior to April of '21 I was one of  
13 several strategic marketing officers for AEMO.

14 Q. And did you hold the role of  
15 strategic marketing officer from the time  
16 period of approximately July 2020 through March  
17 of 2021?

18 A. July 2020 to March 2021, those dates  
19 seem to be correct.

20 Q. How did you come to work at AEMO?

21 A. Can you clarify what you mean by how  
22 I came to work?

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1           A.     FY21, Q4 marketing mix modeling,  
2           national paid media utilization assessment is  
3           attached.

4           Q.     This is a similar deck that we  
5           looked at -- similar to what we looked at in  
6           Exhibit 63, correct? Different time period but  
7           same -- same concept, same kind of deck?

8           A.     Give me one second, ma'am.

9                     This appears to be the preceding  
10          marketing mix model assessment to the -- the  
11          one we previously reviewed.

12          Q.     So just the one from the quarter  
13          prior?

14          A.     This is from Q4, '21. The previous  
15          one was Q1, '22.

16          Q.     Okay. And can you please turn in  
17          Exhibit 64, please, to page ending in 7061.  
18          And on this slide in -- under key implication  
19          and optimization recommendations, it states:  
20          "Leverage DCO across all programmatic  
21          placements in order to drive more efficient  
22          leads while reducing spend by 61 percent in

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1           leaning into the last touch data during Q1 to  
2           assess tactic shifts impact."

3                       In that sentence do you have an  
4           understanding of what DCO means?

5           A.       Give me one moment.

6                       The abbreviation for DCO is  
7           currently slipping my mind. I would have known  
8           it at that time. Right now I can't recall it.

9           Q.       Do you recall it to mean "dynamic  
10          creative optimization"?

11          A.       I do.

12          Q.       What does that mean to your  
13          recollection?

14          A.       So the dynamic creative optimization  
15          was what we were referring to to some extent  
16          earlier with the VIRS program for personalized  
17          marketing. It is dynamic in that, as you the  
18          user are encountering army ads, they are served  
19          to you in a bespoke way.

20                     And the creative, again, it had  
21          multiple creatives that can be optimized for  
22          your user journey, so a JAG lawyer in your --

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1 in your example.

2 Q. And when it says: "Leverage DCO  
3 across all programmatic placements," do you  
4 have an understanding of what is meant by "all  
5 programmatic placements"?

6 A. My understanding would be just that,  
7 all programmatic placements.

8 Q. Are you aware of what all -- what  
9 constituted all of the programmatic placements  
10 around this time?

11 A. I can't speak specifically to that.

12 Q. Are you aware of any programmatic  
13 placements to which this is referring?

14 A. It would be referring to the  
15 programmatic placements that were a part of the  
16 media plan at that time. Outside of that I  
17 can't be specific on it.

18 Q. Okay. And do you know what vendors  
19 or partners DDB used for programmatic  
20 placements?

21 MR. McBIRNEY: Object to form.

22 THE WITNESS: To my knowledge, those

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1 would be the vendors' platforms that we spoke  
2 about before, DoubleClick campaign manager,  
3 Google campaign manager, DV360.

4 BY MS. GOODMAN:

5 Q. Do you know one way or another if  
6 DV360 used any other providers for programmatic  
7 advertisers for the army?

8 MR. McBIRNEY: Objection. Vague.

9 THE WITNESS: My -- my recollections  
10 is at one time there was -- there were multiple  
11 programmatic platforms that were being used.  
12 However, over time that shifted more to the  
13 Google product in this case.

14 BY MS. GOODMAN:

15 Q. What -- you said "at one time there  
16 were multiple programmatic platforms being  
17 used."

18 What's your best recollection of the  
19 time period in which multiple programmatic  
20 platforms were being used by DDB on behalf of  
21 the army?

22 A. My best recollection is 2021 would



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1 have been that time frame.

2 Q. Okay. Do you know what other  
3 providers were being used -- programmatic  
4 platform providers were being used in the 2021  
5 time frame?

6 A. Not specifically, ma'am.

7 Q. Why, to your knowledge, did the  
8 programmatic investments shift more to the  
9 Google product in this case to your knowledge?

10 MR. McBIRNEY: Object to form.

11 THE WITNESS: To the best of my  
12 knowledge, that change would have been  
13 consistent with our previous discussions in  
14 terms of which platforms were the most  
15 efficient for the army's dollar.

16 BY MS. GOODMAN:

17 Q. So is it accurate to say that the  
18 army's investment in programmatic display  
19 advertising shifted more to Google because  
20 Google was performing better for the army than  
21 any other programmatic provider?

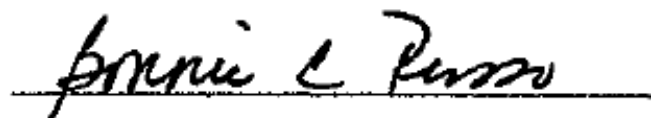
22 MR. McBIRNEY: Object to form.

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CERTIFICATE OF NOTARY PUBLIC

I, Bonnie L. Russo, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in shorthand and thereafter reduced to computerized transcription under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

A handwritten signature in black ink, reading "Bonnie L. Russo", is written over a horizontal line.

Notary Public in and for  
the District of Columbia

My Commission expires: August 14, 2024.

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1 United States, Et Al v. Google, LLC

2 Lennox Morris (#6074135)

## 3 E R R A T A S H E E T

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6 REASON\_\_\_\_\_

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24 Lennox Morris

Date

25

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1 United States, Et Al v. Google, LLC

2 Lennox Morris (#6074135)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Lennox Morris, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

10  
11 \_\_\_\_\_  
12 Lennox Morris

\_\_\_\_\_ Date

13 \*If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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19 NOTARY PUBLIC  
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